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26 UNITED STATES DISTRICT COURT
27 NORTHERN DISTRICT OF CALIFORNIA
28 SAN JOSE DIVISION

29 In re Application of Microsoft Corp.

Case No. 06-80038 JF (PVT)
ORDER ON
**JOINT STIPULATION FOR
EXTENSION OF TIME TO OBJECT
AND TO FILE A MOTION TO QUASH
SUBPOENA DUCES TECUM**

Judge: The Hon. James Ware

Application Date: March 3, 2006

Trial Date: Not Applicable

1 **WHEREAS**, on March 6, 2006, this Court issued an order granting Microsoft
2 Corporation's ("Microsoft") application to allow discovery pursuant to 28 U.S.C. § 1782. This
3 Court ordered that objections shall be served no more than three court days after the service of
4 the subpoena and any motion to quash shall be served no more than five court days after
5 service of the subpoena;

6 **WHEREAS**, on March 7, 2006, Microsoft served a subpoena on Morgan, Lewis &
7 Bockius, LLP ("MLB"), which sought documents and testimony from MLB and Jeffrey
8 Kingston, who has not yet been served with a subpoena and is not waiving service in this
9 matter;

10 **WHEREAS**, on March 8, 2006, Microsoft served a subpoena on Sun Microsystems,
11 Inc. ("Sun");

12 **WHEREAS**, on March 10, 2006, Microsoft, Oracle Corp. ("Oracle"), Clifford Chance,
13 Daniel Harris, Ronald Alepin, Sun, MLB, and Jeffrey Kingston stipulated to extend the time to
14 file objections to Microsoft's subpoenas to Oracle, Clifford Chance, Daniel Harris, Ronald
15 Alepin, Sun, MLB, and Jeffrey Kingston until Monday, March 13, 2006 and to extend the time
16 to file any motions to quash said subpoenas until Wednesday, March 15, 2006;

17 **WHEREAS**, on March 10, 2006, the parties agreed to serve Microsoft's Washington
18 counsel with any objections and any motions to quash by electronic mail in PDF version by
19 4:00 p.m., Pacific Time, on the date that said objection or motion to quash is to be filed with the
20 Court, and, if counsel for Microsoft so desires, service will also be made by facsimile and
21 overnight courier per the terms of the March 6, 2006 court order; and

22 **WHEREAS**, on March 10, 2006, Microsoft, Oracle Corp. ("Oracle"), Clifford Chance,
23 Daniel Harris, Ronald Alepin, Sun, MLB, and Jeffrey Kingston stipulated that any
24 requirements relating to privilege logs, or other logs, will be stayed until after a ruling on the
25 objections and any motions to quash.

26 **THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:**

- 27 1. MLB's objections shall be filed by Monday, March 13, 2006, and any
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1 motion to quash the subpoenas shall be filed by Wednesday, March 15, 2006.

2 2. Jeffrey Kingston's objections, if he files as a precaution, shall be filed by
3 Monday, March 13, 2006, and any motion to quash the subpoena shall be filed by Wednesday,
4 March 15, 2006.

5 3. Sun's objections shall be filed by Monday, March 13, 2006, and any
6 motion to quash the subpoena shall be filed by Wednesday, March 15, 2006.

7 4. Oracle's objections shall be filed by Monday, March 13, 2006, and any
8 motion to quash the subpoena shall be filed by Wednesday, March 15, 2006.

9 5. Clifford Chance's objections shall be filed by Monday, March 13, 2006,
10 and any motion to quash the subpoena shall be filed by Wednesday, March 15, 2006.

11 6. Daniel Harris's objections shall be filed by Monday, March 13, 2006,
12 and any motion to quash the subpoena shall be filed by Wednesday, March 15, 2006.

13 7. Ronald Alepin's objections shall be filed by Monday, March 13, 2006,
14 and any motion to quash the subpoena shall be filed by Wednesday, March 15, 2006.

15 8. The parties have agreed to serve Microsoft's Washington counsel with
16 any objections and any motions to quash by electronic mail in PDF version by 4:00 p.m.,
17 Pacific Time, on the date that said objection or motion to quash is to be filed with the Court,
18 and, if counsel for Microsoft so desires, service will also be made by facsimile and overnight
19 courier per the terms of the March 6, 2006 court order.

20 9. The parties have agreed that any requirements relating to privilege logs,
21 or other logs, will be stayed until after a ruling on the objections and any motions to quash.

22 10. This stipulation and the time limits set forth herein remain in full force
23 and effect regardless of whether the Court signs and enters it as an order.

24 **IT IS SO AGREED.**

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1 DATED: March 10, 2006

MORGAN, LEWIS & BOCKIUS LLP

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3 By: _____/s/_____
James Penrod

4 Attorneys for
5 Sun Microsystems, Inc. and Morgan, Lewis &
6 Bockius LLP; and appearing specially for Jeffrey
7 Kingtson, who has not yet been served with a
subpoena and is not waiving service in this matter

8 DATED: March 10, 2006

LATHAM & WATKINS LLP

9
10 By: _____/s/_____
Daniel Wall

11 Attorneys for
12 Clifford Chance; Oracle Corp.; Daniel Harris; and
Ronald Alepin

13 DATED: March 10, 2006


COVINGTON & BURLINS

14
15 By: _____/s/_____
Josh Wolson

16 Attorneys for Applicant
17 Microsoft, Corp.

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19 **IT IS SO ORDERED.**

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21 DATED: March 13, 2006


22 MAG. JUDGE ~~JAMES SWANEY~~
23 United States District Court
24 in and for the Northern District of California
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